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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**  
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11 DONALD ROBIN BARREN, )

12 Petitioner, )

13 vs. )

14 HOWARD SKOLNIK, *et al.*, )

15 Respondents. )  
16

2:09-cv-01202-RLH-VCF

**ORDER**

17 This closed action is a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254,  
18 by a Nevada state prisoner. By order filed August 15, 2012, this Court denied the habeas corpus  
19 petition and also denied petitioner a certificate of appealability. (ECF No. 71). Judgment was  
20 entered on August 15, 2012. (ECF No. 72).

21 On October 9, 2012, petitioner filed a motion for a certificate of appealability. (ECF No. 73).  
22 Although captioned for the Ninth Circuit Court of Appeals, petitioner mailed his application to this  
23 Court. By order filed October 12, 2012, this Court denied petitioner's motion for a certificate of  
24 appealability, as this Court determined that no reasonable jurist could conclude that the Court's order  
25 denying the petition was in error. (ECF No. 75).  
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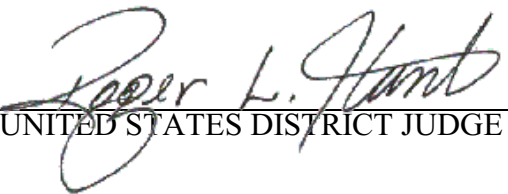
1 On December 14, 2012, the United States Court of Appeals for the Ninth Circuit filed an  
2 order concerning petitioner's September 21, 2012 request for an extension of time to submit his  
3 request for a certificate of appealability. (ECF No. 77). The Court of Appeals' order referred to a  
4 document filed by petitioner, not in this United States District Court, but rather, filed at the Court of  
5 Appeals, at Docket Entry #2. The Court of Appeals' order states: "Accordingly, this appeal is  
6 remanded to the district court for the limited purpose of allowing that court to rule on appellant's  
7 September 21, 2012 request." (ECF No. 77, at p. 2).

8 This Court has reviewed petitioner's request and finds that petitioner has failed to show either  
9 "excusable neglect or good cause." *See* FRAP 4(a)(5). As such, petitioner's September 21, 2012  
10 request for an extension of time in which to submit his request for a certificate of appealability is  
11 denied. The Court further notes that, by order filed October 12, 2012, this Court denied petitioner's  
12 prior request for a certificate of appealability. (ECF No. 75).

13 **IT IS THEREFORE ORDERED** that petitioner's September 21, 2012 request for an  
14 extension of time in which to submit his request for a certificate of appealability is **DENIED**.

15 **IT IS FURTHER ORDERED** that the Clerk **SHALL SERVE** a copy of this order to the  
16 United States Court of Appeals for the Ninth Circuit.

17 Dated this 9<sup>th</sup> day of January, 2013.

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21 UNITED STATES DISTRICT JUDGE  
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